

Paul S. Bliley, Jr., VSB #13973  
Williams Mullen  
P.O. Box 1320  
Richmond, VA 23218-1320  
Telephone: (804) 420-6448  
Fax: (804) 420-6507  
[pbliley@williamsmullen.com](mailto:pbliley@williamsmullen.com)  
Counsel to Westlake Limited Partnership

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

IN RE: ) Chapter 11  
          ) Case No. 08-35653 (KRH)  
CIRCUIT CITY STORES, INC., et al., )  
          ) Jointly Administered  
Debtors. )

**RESPONSE OF WESTLAKE LIMITED PARTNERSHIP  
TO LIQUIDATING TRUST'S NINTH OMNIBUS OBJECTION TO LANDLORD  
CLAIMS (REDUCTION OF CERTAIN PARTIALLY INVALID CLAIMS,  
RECLASSIFICATION OF CERTAIN MISCLASSIFIED CLAIMS, DISALLOWANCE  
OF CERTAIN INVALID CLAIMS, DISALLOWANCE OF CERTAIN LATE FILED  
CLAIMS, DISALLOWANCE OF CERTAIN DUPLICATE CLAIMS, AND  
DISALLOWANCE OF CERTAIN AMENDED CLAIMS)**

Comes now Westlake Limited Partnership, a previous landlord of the Debtor, Circuit City Stores, Inc. and for its response to the Liquidating Trustee's Ninth Omnibus Objection to Landlord Claims, Docket Number 10047 states as follows:

1. The Claimant's Name is Westlake Limited Partnership ("Westlake"), which was previously a Landlord for a Circuit City Store located in Peoria, Illinois. The Lease between Westlake and Circuit City was dated February 9, 1997.
2. On February 9, 2011 Westlake filed an Amended Administrative Proof of Claim designated as Claim Number 15213 in the amount of \$86,860.41, which included the claim for the "Stub" portion of the rent and related charges involving rent, CAM, CAM reconciliation and

real estate taxes for \$50,024.38. This claim also included the attorneys' fees and expenses incurred by Westlake in connection with enforcement of its Lease obligation in the amount of \$36,836.03. The total Administrative claim filed amounted to \$86,860.41.

3. The Trustee has designated this claim as an unsecured claim and not an administrative claim.

4. The person with personal knowledge of the relevant facts supporting the response is Les Cohen, Cohen Development Company, 406 SW Washington Street, Peoria, Illinois 61602, Telephone Number (309) 671-1000.

5. The Bankruptcy Court should overrule the characterization of the claim as a general unsecured claim because the costs and expenses incurred which are objected to are valid expenses incurred by the Debtor subsequent to the filing of the Bankruptcy Petition. The claims for real estate taxes and CAM reconciliation were incurred and were required to be paid by Circuit City under its Lease with Westlake. The attorneys' fees incurred are the obligations of Circuit City post-petition under the Lease between Circuit City and Westlake. Westlake intends to introduce documentation to support its claim through its Lease, real estate tax records for the property and statements of the attorneys' fees incurred in connection with this matter. The Debtor is obligated to pay these sums pursuant to 11 U.S.C. §365(d)(3). See also, In re Trak Auto Corporation, 277 B. R. 655 (Bkrtcy. E.D. Va. 2002).

6. Pursuant to discussions between counsel for Westlake and a representative of the Trustee, Jeff Knopke, it appears that the Liquidating Trustee now acknowledges that this claim is an administrative claim, although the Trustee reserved the right to object to the amount of the claim.

7. The claimants address, telephone number, fax number and the claimant's attorney to whom the attorneys for the Debtor should serve a reply to the response are as follows:

Westlake Limited Partnership  
c/o Les Coehn  
Cohen Development Company  
406 SW Washington Street  
Peoria, Illinois 61602

Attorney: Paul S. Bliley, Jr.

Paul S. Bliley, Jr., Esquire  
Williams Mullen  
P.O. Box 1320  
Richmond, VA 23218-1320  
[pbliley@williamsmullen.com](mailto:pbliley@williamsmullen.com)  
Telephone: (804) 420-6448  
Fax: (804) 420-6507

8. The name, address, telephone number and fax number of the party to reconcile, settle or otherwise resolve the objection on the claimant's behalf is the attorney set forth above.

Dated: April 7, 2011

WESTLAKE LIMIED PARTNERSHIP

By /s/ Paul S. Bliley, Jr.  
Of Counsel

Paul S. Bliley, Jr., VSB No. 13973  
Williams Mullen  
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[pbliley@williamsmullen.com](mailto:pbliley@williamsmullen.com)  
Counsel for Westlake Limited Partnership

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7th day of April, 2011, I caused a copy of the foregoing to be served by electronic means on the “2002” and “Core” lists and through the ECF system.

/s/ Paul S. Bliley, Jr.  
Paul S. Bliley, Jr.

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